

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3070 of 2018

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Diwakar Thakur, Son of Shyamanand Thakur, Resident of Ward No. 13, Shivnagar Tola, P.S. Kala Balua, District- Araria, presently working on the post of L.D.C. IIIrd grade (Non teaching Staff) in K.B. Jha, College, Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The B.N. Mandal University, Lalu Nagar, Madhepura, Patna.
5. The V.C., B.N. Mandal University, Lalu Nagar, Madhepura, Patna.
6. The Registrar, B.N. Mandal University, Lalu Nagar, Madhepura, Patna.
7. The Principal K.B. Jha College, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Respondent/s : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioner, State and the University.

The petitioner was initially appointed in K. B. Jha College, Katihar at the time when the college was affiliated. In terms of the policy decision of the State Government to convert the Colleges in phase wise manner as constituent unit, the college in question was made constituent Unit of B.N. Mandal University. After take over of the College as constituent unit, on 12.02.1990 the State Government issued letter no. 25(C) with regard to provisional absorption of non-teaching employee, the name of the petitioner figures in the list in letter no. 25 (C). In view of the judgment of the Apex Court in the



case of **State of Bihar & Ors. Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in **(2005) 9 SCC 129**, the University took decision to absorb the petitioner, which was subsequently reviewed by the University.

Considering the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The order reviewing the absorption of the petitioner is hereby declared as nullity. The respondents are directed to restore the petitioner the status of absorbed employee with all consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2018
Transmission Date	

